# IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

| DAVID MCMAHON, STEVEN              | § |                                     |
|------------------------------------|---|-------------------------------------|
| LITTLEFIELD, AND THE TEXAS         | § |                                     |
| DIVISION, SONS OF CONFEDERATE      | § |                                     |
| VETERANS, INC.,                    | § |                                     |
| Plaintiffs,                        | § |                                     |
|                                    | § | Civil Action No. 1:17-CV-00822-LY   |
| v.                                 | § | CIVII ACHOII NO. 1.17-C V-00822-L I |
|                                    | § |                                     |
| GREGORY L. FENVES, IN HIS OFFICIAL | § |                                     |
| CAPACITY AS PRESIDENT OF THE       | § |                                     |
| UNIVERSITY OF TEXAS AT AUSTIN,     | § |                                     |
| Defendant.                         | § |                                     |

#### JOINT ADVISORY TO THE COURT

#### TO THE HONORABLE JUDGE LEE YEAKEL:

Counsel have conferred to resolve this matter without undue expense to the parties, their counsel, and the Court. UT Austin contends Plaintiffs lack standing to assert their claims. Plaintiffs allege urgent action is needed to avoid irreparable harm. In order to allow the orderly disposition of the legal issues in this case, The University will maintain the *status quo* with respect to the monuments, statues, and/or plinths of the South Mall covered by Plaintiff's lawsuit until the Court has ruled on Defendant's forthcoming Motion to Dismiss. The parties will not engage in discovery and respectfully request that the Court delay issuance of a scheduling order until ruling on Defendant's motion. For these reasons, no injunction hearing or restraining order is required or sought at this time.

## Respectfully submitted.

## /s/ w/ permission

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## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been sent by electronic notification through ECF by the United States District Court, Western District of Texas, Austin Division, on August 30, 2017 to:

Kirk David Lyons Attorney at Law P.O. Box 1235 Black Mountain, North Carolina 28711

Attorney for Plaintiffs

/s/ Carl Myers

H. CARL MYERS

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